

Opt-In Overlay Zone Framework

- 1 An Opt-In overlay zone would allow for a reduction of requirements and limitations for commercial cannabis cultivators within a specific geographic area.
 - a. An Opt-In overlay zone may be applied to any residential zone and may include a limited number of non-residential parcels if required to create logical boundaries.
 - b. An Opt-In overlay zone must be composed of a minimum of 10 parcels (as identified by legal lots).
 - c. All parcels within an Opt-In overlay zone must be contiguous excepting separations by public roads.
 - d. A petition for the creation of an Opt-In overlay zone must demonstrate the support of more than 60% of all current property owners (as identified by legal lot / one owner's signature for each legal lot in the proposed zone).
 - e. Applications for an Opt-In overlay zones shall be reviewed and acted upon by the Board of Supervisors following a public hearing.
- 2 Once established the following allowed uses and development standards would be applied to an Opt-In overlay zone.
 - a. Sunset Provision for Residential Districts (Sec. 10A.17.080(B)(2)(b)) would not apply within an Opt-In overlay zone.
 - b. Cannabis Cultivation Permit types (C) Small Outdoor, (C-A) Small Indoor, Artificial Light, and (C-B) Small, Mixed Light, may be permitted on any parcel regardless of parcel size provided all other existing development standards and application requirements are met. (current regulations are no limitation for existing and 2-acre minimum for new).
 - c. Within the Opt-In overlay zone, the required setback noted in Sec. 10A.17.040 (A)(5) will be reduced to 20 feet.
 - d. Within the Opt-In overlay zone, the required setback noted in Sec. 10A.17.040 (A)(5) may be reduced to less than 20 feet or waived subject to Administrative Permit approval.
- 3 In order to provide assurances and support the investment required for permitting and initiating commercial cultivation, Opt-In overlay zones would be subject to the following restrictions on modification.
 - a. An adopted Opt-In overlay zone would remain in-effect (zone would not be repealed and parcels may not be removed) for 10 years after date of approval.
 - b. Following the in-effect period of 10 years, a request to repeal, or amend, an Opt-In overlay zone may be initiated by petition of 60% or more of all current property owners within the Opt-In overlay zone. A request to repeal would be submitted to the Board of Supervisors for consideration at a public hearing.

- c. Parcels adjacent to the Opt-In overlay zone may petition for inclusion into the Opt-In overlay zone. Additions to the Opt-In overlay zone shall not alter the in-effect date of the adopted Opt-In overlay zone.
 - d. If an Opt-In zone is repealed at any time, all current cultivators that do not meet the development standards of the underlying zone would be permitted to continue operations for three years from the date of repeal of the overlay zone. At three years following the date of repeal of the Opt-In overlay zone, permits for cultivators that do not meet the standards of the underlying zone would not be renewed by the County.
 - e. Changes to the underlying zoning of an Opt-In overlay zone would have no effect on the uses permitted and defined by this section, nor would the Opt-In overlay zone limit any use rights granted by a future rezone of property within an Opt-In overlay zone.
4. There are currently five areas being considered for inclusion into the initial creation of the Opt-In overlay zone.
- a. Covelo (Core)
 - b. Covelo (Fairbanks Road)
 - c. Laytonville
 - d. Mitchell Creek (North)
 - e. Mitchell Creek (South)
 - f. South Leggett